

AFFIDAVIT OF NON-DEVELOPMENT

STATE OF WEST VIRGINIA
COUNTY OF MARSHALL, to-wit:

I, Jack R. Hammers, of 165 Oakmont Road, Wheeling, WV 26003, being of lawful age and being duly sworn, state that for the past 14 years I have been very familiar with the use and occupancy of that certain tract of land described as follows, to wit:

Legal Description: Subject lands situate in the Liberty District, Marshall County, West Virginia, being 85 acres, more or less, Tax Map #29, Part of Parcel 1

The Lands were subject to the following Oil and Gas Leases (the "Leases"):

1. Oil and Gas Lease of 37 acres from Elza Wilson to J. F. Alley, dated February 16, 1895, of record in the aforesaid Clerk's office in Deed Book No. 49, at page 356, for the term of five (5) years.
2. There is a certain Oil and Gas Lease of 37 acres listed in the Oil and Gas Lease Index in Deed Book No. 53, at page 308, designated in the Oil and Gas Lease Index as being from E. Wilson to J. C. Trees.
3. Oil and Gas Lease of 37 acres from Eliza Wilson to Orloff McDowell, dated April 25, 1899, of record in the aforesaid Clerk's office in Deed Book No. 68, at page 36, for the term of five (5) years.
4. Oil and Gas Lease of 536 acres from Joshua Yoho and Sarah C. Yoho, his wife, to Earl M. Hennen, dated July 19, 1915, of record in the aforesaid Clerk's office in Deed Book No. 145, at page 234, for the term of ten (10) years.
5. Oil and Gas Lease of thirty (30) parcels consisting of 2,658 acres from Esther Nell Mason, widow, Guy W. Mason, single, Hope Mason Conner, widow, Olga Haines and Ed Haines, her husband, Mary Yoho and George I. Yoho, her husband, Margaret Yoho and Guy Yoho, her husband, and Denver Yoho and Okla J. Yoho, her husband, to D. and H. Oil Company, dated March 5, 1980, of record in the aforesaid Clerk's office in Deed Book No. 484, at page 171, for the term of ten (10) years.
6. Oil and Gas Lease of 2,658 acres from Nell Mason, widow, Guy W. Mason, single, Hope Mason Conner, widow, Olga A. Haines, widow, George I. Yoho and Mary Yoho, his wife, Guy Yoho and Margaret Yoho, his wife, and Okla J. Yoho and Denver Yoho, his wife, to Petroleum Development Corporation, dated May 16, 1981, of record in the aforesaid Clerk's office in Deed Book No. 484, at page 686, for the term of five (5) years.

That I know of my own knowledge that no oil and/or gas is currently being produced under the terms of the aforesaid Leases upon any of the above described property; that to my knowledge no royalties are currently being paid pursuant to the aforesaid Leases on the above described property; and that I know to the best of my own knowledge that the aforesaid Leases have heretofore been abandoned, surrendered and otherwise terminated.

I further state that I know to the best of my own knowledge that no production of oil and/or gas is currently being produced pursuant to the aforesaid Leases on other property covered by said Leases, if any, or other property pooled or unitized therewith, if any.

Further Affiant sayeth naught.

Executed this 23 day of January, 2008

Jack R. Hammers

ACKNOWLEDGEMENT

STATE OF WEST VIRGINIA }
COUNTY OF OHIO } SS:

On the 23 day of January, 2008, before me personally came the above

named **Jack R. Hammers**, being person(s) known to me to be the same person(s) described herein and who acknowledge having executed the foregoing instrument.

My commission expires 9-11-2016

Thomas A. Long
Signature / Notary Public

Thomas A. Long
Name / Notary Public (print)

JAN PEST
MARSHALL County 01:04:00 PM
Instrument No 1248841
Date Recorded 02/01/2008
Document Type O&G
Book-Page 666-114
Rec/Preserve \$5.00 \$1.00

County Recorder: Please return recorded document to Mason Dixon Energy, Inc., 101 Cambridge Place, Bridgeport, WV 26330

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 23rd day of January, 2008, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 1st day of February, 2008, at 1:04 o'clock P.M.

TESTE:

Jan Pest
Clerk.